THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26815 OF 2005

Dated: 15.12.2005

Between

Poreddy Gopala Reddy, S/o. late Kanaka Reddy, Occ: Business,
R/o. Kothagudem (M), Khammam District.

...PETITIONER

AND

The Principal Secretary to Government, Tribal Welfare Department, Secretariat, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the first respondent in not passing appropriate orders either on the stay petition or on the revision filed by him on 29.11.2005 against the orders passed by second respondent in CMA.No.45 of 2003 dated 30.06.2005 as illegal and arbitrary.

Learned counsel for the petitioner submits that the land in an extent of 4000 Sq. yards in Sy.Nos.29 and 36 situated at Laxmidevipally Village, Kothagudem Mandal, Khammam District was purchased by Smt. P. Satyavathi, wife of the petitioner, from one Guda Ramachandrasekhara Sastry under agreement of sale dated 02.04.1969 and since then the petitioner has been in possession of the property along with his wife and the same is not in violation of the provision of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 59 as amended by regulation 1 of 70. While so, the third respondent at the instance of the

fifth respondent issued LTR proceedings against the petitioner and after enquiry the proceedings were dropped on 21.12.1997 and dismissed the case. Against the order of the third respondent dated 21.12.1997 the fifth respondent filed an appeal before the Agent to the Government, Khammam and the same has been transferred to the second respondent and registered as CMA.No.45 of 2003. Thereafter, the second respondent by order dated 30.06.2005 allowing the appeal ordered for eviction of the petitioner. Against the said order the petitioner filed a revision before the first respondent dated 29.11.2005 along with a petition for stay. The revision as well as the stay petition is pending before the first respondent. However, pending disposal of the revision, the fourth respondent is taking steps to dispossess the petitioner from the said land.

As the revision is pending before the first respondent, this Court is of the opinion that if the petitioner, who has been in continuous possession, is dispossessed from the said land the purpose of filing the revision itself will become futile. Having regard to the facts and circumstances of the case and pending disposal of the revision before the first respondent, the petitioner may not be dispossessed from the said land. However, the revisional authority may consider and dispose of the revision as expeditiously as possible after giving reasonable opportunity to the petitioner.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 15, 2005

Note: Furnish C.C. of the order in three days.

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DSK